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Federal District Court
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

9

DAYTON JONES,
PLAINTIFF,

CASE NO. 16-257741-FC

HON. RAE LEE CHABOT

V.

CHANDLER CHEEKS, (WARDEN)
DEFENDANT.

Case: 2:21-cv-10989
Judge: Cox, Sean F.
MJ: Grand, David R.
Filed: 04-21-2021 At 12:33 PM
HC DAYTON JONES V CHANDLER CHEEKS (SS)

"MOTION SEEKING IMMEDIATE RELEASE FROM CUSTODY AND
REDUCTION OF SENTENCE DO TO COVID-19"/WRIT OF
HABEAS CORPUS FOR COMPASSIONATE RELEASE DO TO
COVID-19 28 USC 2241.

IN CASE DOCKET NO. 2016-257741-FC HON. RAE
LEE CHABOT DENIED MY MOTION AND THOUSANDS OF
OTHERS IN THE LOWER CIRCUIT COURT(S) FURTHER
EVIDENCE IS FOUND ON LEXIS NEXIS ELECTRONIC
DATA SYSTEM(S) DENIALS IN MICHIGAN COURT OF
APPEALS, MICHIGAN SUPREME COURT KNOWING
WHEN A PRISONER IS PUT UNDER ADDITIONAL AND
UNCONSTITUTIONAL RESTRAINTS DURING HIS LAWFUL
CUSTODY, IT IS ARGUABLE THAT HABEAS CORPUS WILL
LIE TO REMOVE THE RESTRAINTS MAKING THE CUSTODY
ILLEGAL SEE NOTE: DEVELOPEMENT IN LAW HABEAS
CORPUS, 83 HARV. L. REV. 1038 (1970); JOHNSON V.
AVERY, 393 U.S. 483 (1969); WILLWORDING V.
SWANSON, SUPA AT 251; BLAIR-BEY V. QUICK, 151

F. 3d 1036, 1042, 331 U.S. App. 362 utilizing
28 USC 2241. TO CHALLENGE CONDITIONS OF
 CONFINEMENT UNITED STATES V. BASS, 2021 U.S.
 DIST 11719; 2021 WL 228904.

THERE'S AN ABSENCE OF STATE CORRECTIVE PROCESS"
 OR CIRCUMSTANCES EXIST THAT RENDER SUCH
 PROCESS INEFFECTIVE TO PROTECT MY RIGHTS LEAVING
 NO RECOURSE TO EXHAUST STATE REMEDIES
 ENTITLING ME THE RIGHT THROUGH 28 U.S.C. 2241
BLAIR-Bey V. QUICK, 151 F.3d 1036, 1042, 331 U.S.
 App. 362 MAKING IT IMPOSSIBLE IN THIS
 LIFE THREATENING CRISIS TO EXHAUST IN THOSE
 MICHIGAN STATE COURTS WHERE THERE IS NO
 REMEDY MAKING IT UNAVAILABLE TO ME OR ANY
 OTHER PRISONER IN THIS STATE MICHIGAN
O'SULLIVAN V. BOERCKEL, 526 U.S. 838, 847-848;
 119 S. CT. 1728, 144 L. ED. 2d 1 (1999); CAMERON
V. BOUCHARD, 462 F. Supp. 3d 746 (2020).

THE SUPREME COURT HAS PROVIDED THAT THE
 EXHAUSTION REQUIREMENT WILL BE WAIVED
 IN RARE CASES WHERE EXCEPTIONAL CIRCUMSTANCES
 OF PECULIAR URGENCY ARE SHOWN TO EXIST.

"ROSE, 455 U.S., AT 515-16 (QUOTING EX PARTE
HAWK, 321 U.S. 114, 117, 64 S. CT. 448, 88
 L. ED. 572 (1944) (2)

A PRISONER SHOULD BE ABLE TO CHALLENGE THEIR CONDITIONS OF CONFINEMENT THROUGH A STATE HABEAS UNDER PHILLIPS V. WARDEN STATE PRISON OF S. MICHIGAN, 396 N.W. 2d 482, 486 (MICHIGAN CT. APP 1986) OR UNDER 42 U.S.C. 1983 KENT CNTY. PROSECUTOR V. KENT CNTY SHERIFF, 428 MICH 314; 409 N.W. 2d 202, 208 (MICH. 1987).

BUT THE LOWER CIRCUIT COURTS, COURTS OF APPEALS AND MICHIGAN SUPREME COURT ARE NOT HONORING CASE LAW(S) THAT CLEARLY STATES PEOPLE V. CHANDLER, 941 N.W. 2d 920 (MICH. 2020) (HOLDING THAT COURTS MUST CONSIDER "THE PUBLIC HEALTH FACTORS ARISING OUT OF THE PRESENT PUBLIC HEALTH EMERGENCY TO MITIGATE THE SPREAD OF COVID-19" WHEN MAKING PRE TRIAL ~~DETENTION~~ DECISIONS); PEOPLE V. CALLOWAY, NO. 349870, 2020 WL 4382790 AT 4 (MICH. CT. APP. JULY 30, 2020) (HOLDING THAT REQUIREMENT SET FORTH IN CHANDLER APPLIES TO CONVICTED PRISONERS.) YET MICHIGAN LOWER STATE COURTS FAIL TO EXHAUST THESE RELEASES IN THOUSANDS OF CASES CITING MCR 6.429 (A) AND (B), PEOPLE V. WHALEN, 412 MICH 166, 169-176 (1981) SAYING OUR FILINGS ARE UNTIMELY AND OUR SENTENCES ARE VALID

(3.)

I CAUGHT THE CORONA VIRUS ON 3-12-20 BECAUSE THUMB CORRECTIONAL FACILITY / MICHIGAN DEPARTMENT OF CORRECTIONS FAILED TO FOLLOW POLICY STRUCTURE 03.03.130 (I), (2), (K), (3), HUMAN TREATMENT AND LIVING CONDITIONS FOR PRISONERS. ALSO FAILING TO PROTECT MY HEALTH AND MY 8TH AND 14TH AMENDMENT KNOWING IN ACCORD TO THEIR OWN POLICY GOVERNED BY THE DIRECTOR HEIDI WASHINGTON.

I SHOULD HAD BEEN PLACED INSIDE A CELL BY MYSELF IN ORDER TO SOCIAL DISTANCE IN ACCORD WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTIONS GUIDELINES AND WHEN I TRIED TO ADDRESS THE MATTER AND MY 1ST AMENDMENT RIGHT(S) WAS VIOLATED EVEN VIOLATING THEIR OWN OATH TO PROTECT MY PHYSICAL WELL BEING AS A PRISONER BECAUSE I WAS GUIDED TO POLICY STRUCTURE 03.02.130 (C), (7.) NOTIFYING ME MY GRIEVANCE ~~WAS~~ REJECTED BECAUSE ITS AN ISSUE OF MUTUAL CONCERN THAT AFFECTS THE ENTIRE PRISON POPULATION AND WOULD BE SEEN AS A ORGANIZED PROTEST NOT ALLOWING ME TO EXHAUST THWARTING THE GRIEVANCE PROCESS ROSS V. BLAKE, 136 S. CT. 1850 (2016)
(4.)

NOTICE:

I SENT HEALTH CARE NUMEROUS LETTERS AND HEALTH CARE REQUEST KITES FOR LAB WORK AND BLOOD DRAWS TO FIND THE CAUSE OF MY SHALLOW BREATHING, BRAIN FOG, IRREGULAR HEART BEATS AND TO NO AVAIL THEY'VE NEVER RESPONDED BACK CONCERNING THESE NEW HEALTH PROBLEMS I'VE ENCOUNTERED BECAUSE OF COVID-19

my SENTENCE(S) AND CONVICTIONS(S) FOR ASSAULT WITH INTENT TO MURDER AND MFTA FOR FELONY FIREARMS WOULD BE A DEATH SENTENCE IF I WAS TO CATCH THE VARIANT STRAINS NOW SWEEPING THROUGHOUT THE MICHIGAN DEPARTMENT OF CORRECTIONS AFTER THE REGULAR STRAIN INFECTED OVER 24,000 OF THE M.S.O.C.'S 34,000 PRISON POPULATION KILLING OVER 150 PRISONERS COVERED BY LOCAL AND NATIONAL NEWS PROGRAMS TO THE POINT ALL MICHIGAN PRISONS HAVE BEEN ON QUARANTINE STATUS SINCE MARCH 12, 2020 AS THE NEW VARIANT STRAIN NOW IS REAFFECTING THOSE LIKE WHO WAS ONCE INFECTED BEFORE.

"RELIEF REQUESTED"

THE SUPREME COURT HAS HELD THAT STATE PRISONERS DO NOT HAVE TO INVOLVE EXTRA ORDINARY REMEDIES WHEN THOSE REMEDIES ARE ALTERNATIVES TO THE STANDARD REVIEW PROCESS AND WHERE THE STATE COURTS HAVE NOT PROVIDED RELIEF THROUGH THOSE REMEDIES IN THE PAST O'SULLIVAN, 526 U.S. AT 844 (CITATION); LITTLE V. HOPKINS, 638 F. 2D 953, 954 (6TH CIR. 1981) IN THIS UNUSUAL CIRCUMSTANCE I HUMBLY ASK THIS COURT TO GRANT my motion(s) AND RELEASE ME FROM CUSTODY UNITED STATES V. BASS, NO. 21-1094 (6TH CIR. 2021) JONES, 980 F.3d AT 1103; S. REP. NO. 98, AT 55-56 (1983)

PREPARED / SUBMITTED BY,
 DAYTON JONES # 114213
 THUMB CORRECTIONAL FACILITY
 3225 JOHN CONLEY DRIVE
 LAPEER, MICHIGAN
 48446

DATE: 4-16-2021

X Dayton Jones
 SIGNATURE

"CERTIFICATE OF SERVICE"

I HEREBY CERTIFY THAT ON THIS DATE A COPY OF THE FOREGOING NOTICE WAS SERVED UPON THE PARTIES AND/OR COUNSEL OF RECORD BY ELECTRONIC MEANS OR BY FIRST CLASS U.S. MAIL.

I DECLARE THAT THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY INFORMATION AND KNOWLEDGE AND BELIEF.

DATE: 4-16-2021

X Dayton Jan

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CC.

ATTORNEY GENERAL SARA NESSEL
P.O. BOX 30217 7TH FLOOR
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Dayton Jones #114213
THUMB Correctional Facility
3225 John Conley Drive
Lapeer, mi. 48446



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United States District Court
Eastern District of Michigan
Southern Division

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THOMAS L. LUDINGTON
U.S. DISTRICT JUDGE

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BM City, Michigan 48706

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